REMARKS

Claims 1, 12 and 23 have been amended. No new matter has been added. No claims have been canceled, and no new claims have been added. Claims 1-6, 11-17, 22-28 and 33 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections – Double Patenting

The office action rejected claims 1-6, 11-17, 22-28 and 33 as conflicting with claims 1-33 of Application No. 10/840,889 ("the child application"). The Examiner is requested to hold these rejections in abeyance pending an allowance of claims in this or the child application.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 1, 2, 4-6, 11-13, 15-17, 22-24, 26-28 and 33 under 35 USC § 102(e) as anticipated by Yach (US 2002/0128036 A1). This rejection is respectfully traversed.

Claims 1, 12 and 23 are independent. The independent claims have been amended to more clearly recite three devices, namely a client computer, a first telephone and at lest one second telephone. These limitations were already included implicitly in claims 1 and 23 and explicitly in claim 12. Nonetheless, the amendments to the independent claims were made to clarify limitations already included in the claims and to clearly distinguish the independent claims over Yach.

Yach discloses a user (Person X) who sends an email (or similar message) from his computer to Person Y's mobile phone. After receiving the email, Person Y can select and call a phone number

identified in that email (Person X for instance). Thus, in Yach, the telephone call is initiated from Person Y's mobile phone to Person X such that person Y's mobile phone is one of the two telephones involved in the call. As disclosed In Yach, two devices are involved in the telephone calling method – a first telephone and a second telephone.

In contrast, the independent claims recite, among other limitations, a client computer, a first telephone and a second telephone that are included in the initiation of a telephone call. More specifically, pertinent limitations of the independent claims include:

Claims 1 and 12:

> packaging an object corresponding to the identified telephone number, wherein

> the object is defined such that the telephone number is activatable

> the object defines a function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer

Claim 23:

> package a phone number object corresponding to the identified telephone number, wherein the object is defined such that the telephone number is activatable and the object defines a function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with a user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer

Thus, three devices are recited as being involved with initiation of telephone calls in the independent claims. In contrast, Yach, recites only two devices. In this way the independent claims are distinguishable from Yach.

In Yach, the phone call is activated at the first telephone. The telephone on which the call is activated participates in the telephone call with a second telephone. Thus, only two phones or devices are disclosed in Yach. As such, the independent claims are patentable over Yach.

The dependent claims are patentable by virtue of their dependency on the independent claims which have been shown to be patentable above.

Therefore, all claims are patentable over Yach, and this rejection should be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 3, 14 and 25 under 35 USC § 103(a) as being unpatentable over Yach and Giordano (US 6,870,828). This rejection is respectfully traversed.

Claims 3, 14 and 25 are dependent on claims 1, 12, and 23 respectively. As such, these claims inherit the limitations of claims 1, 12, and 23 discussed above which are not disclosed, taught or suggested by Yach. Giordano does not cure the deficiencies of Yach. Thus, by virtue of their dependency on claims 1, 12 and 23, claims 3, 14 and 25 are patentable over Yach and Giordano.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy, the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: September 26, 2006

Mark Andrew Goldstein
Reg. No. 50,759

SoCal IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
Telephone: 805/230-1350
Facsimile: 805/230-1355
email: info@socalip.com